

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CONWED CORPORATION,

5-92 CV 88 (DDA/RLE)

Plaintiff,

v.

ORDER APPOINTING MEDIATOR

UNION CARBIDE CORPORATION,

Defendant.

The Court deems it provident that efforts at settlement be made before the expenditure of additional attorneys fees, court time, and time of the parties. The complexity of the cases requires the services of a professional mediator.

Accordingly,

IT IS ORDERED That:

Hon. Charles Flinn
3116 Greenock Road
St. Cloud, MN 56301
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Telephone: 320-230-4005
FAX: 320-230-4705

be, and hereby is, appointed to mediate the issues involved in the above-described actions with a view toward arriving at a settlement among the parties.

IT IS FURTHER ORDERED That the cost of such mediation be allocated between the parties to the extent of one-half thereof being paid by the plaintiff and one-half thereof being paid by the defendant.

IT IS FURTHER ORDERED that the following materials are herewith submitted to the mediator:

1. Opinion of the Minnesota Supreme Court for the case *Conwed v. Union Carbide Chem. and Plastics*, 634 N.W.2d 401 (Minn. 2001).
2. Opinion of the Eighth Circuit Court of Appeals in the case *Conwed Corp. v. Union Carbide Corp.*, 443 F.3d 1032 (8th Cir. 2006).
3. Scheduling Order of June 15, 2006.

IT IS ORDERED that the parties and their attorneys be and appear before the mediator at such times as are designated by him for the purpose of personally participating in such settlement negotiations as the mediator deems it appropriate to conduct.

IT IS FINALLY ORDERED that in addition to counsel, a representative of each party with full and complete authority to arrive at a settlement of the case be in attendance at all mediation sessions unless excused by the mediator.

DATED: June 19, 2006.

S/ Donald D. Alsop
DONALD D. ALSOP, Senior Judge
United States District Judge